

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL F. SCHULZE,
Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION, *et al*,
Defendants.

1:05-cv-180 AWI GSA

ORDER DENYING MOTION FOR STAY

(Doc. 119)

Plaintiff, Michael Schulze (“Plaintiff”), filed a Motion to Stay on May 16, 2014. (Doc. 119). In the motion, Plaintiff requests that this case be stayed pending his transfer to another prison.

“[T]he decision to grant a stay ... is ‘generally left to the sound discretion of district courts.’” *Ryan v. Gonzales*, — U.S. —, —, 133 S.Ct. 696, 708, (2013) (quoting *Schriro v. Landrigan*, 550 U.S. 465, 473, 127 S.Ct. 1933 (2007)). However, “[t]he proponent of a stay bears the burden of establishing its need,” and issuing a stay without taking any account of the nonmovant’s interests in proceeding can be an abuse of discretion. *Clinton v. Jones*, 520 U.S. 681, 708, 117 S.Ct. 1636 (1997). In determining whether to stay proceedings, courts generally “consider[] the following factors: (1) judicial economy; (2) the moving party’s hardship; and (3)

1 potential prejudice to the non-moving party.” *Single Chip Sys. Corp. v. Intermec IP Corp.*, 495
2 F.Supp.2d 1052, 1057 (S.D.Cal.2007).

3 Here, there are no upcoming deadlines since all of the briefing on the pending motions
4 has been completed. Accordingly, there is no need to stay this litigation at this time. Plaintiff is
5 advised that pursuant to Local Rule 182(f) he must keep the Court apprised of his new address
6 once the transfer is complete. Failure to do so may result in dismissal of this action.
7

8 Accordingly, it is hereby ordered that Plaintiff's motion to stay this action is DENIED.
9 The Clerk of the Court is directed to serve this order on Plaintiff via United States mail at the
10 following addresses :
11

12 Michael Schulze
13 36817-048
14 FCI Estill
15 P.O. Box 699
Estill, SC 29918

Michael Schulze
Register Number 36817-048
c/o Chris F. Schulze
91-189 Ewa Beach Road
Ewa Beach, HI 96706

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19 IT IS SO ORDERED.

20 Dated: June 3, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE